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Attorneys for Nominal Defendants
 Akeena Solar, Inc., and Individual Defendants
 Barry Cinnamon, and Gary Effren

UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA
 SAN JOSE DIVISION

EVELYN SABBAG, Derivatively on Behalf of
 AKEENA SOLAR, INC.,

Plaintiff,

v.

BARRY CINNAMON, GARY EFFREN,
 EDWARD ROFFMAN, JON WITKIN,
 GEORGE LAURO, and DAVID WALLACE,

Defendants,

-and-

AKEENA SOLAR, INC., a Delaware
 corporation,

Nominal Defendant.

CASE NO.: 10-CV-02735-JF

**STIPULATION AND ~~[PROPOSED-
 ORDER]~~ EXTENDING DEADLINE
 OF NOMINAL DEFENDANT
 AKEENA, AND INDIVIDUAL
 DEFENDANTS CINNAMON AND
 EFFREN TO RESPOND TO
 COMPLAINT**

1 On June 22, 2010, plaintiff Evelyn Sabbag ("Plaintiff") filed the Verified Shareholder
2 Derivative Complaint for Breach of Fiduciary Duty, Unjust Enrichment, Waste of Corporate
3 Assets and Violations of California Corporations Code ("Complaint").

4 **WHEREAS**, nominal defendant Akeena Solar, Inc., and individual defendants Barry
5 Cinnamon, and Gary Effren (collectively "Defendants") have been served with the summons and
6 complaint, and pursuant to Rule 12 of the Federal Rules of Civil Procedure their response to the
7 Complaint is currently due July 13, 2010;

8 **WHEREAS**, counsel for Defendants and counsel for Plaintiff have agreed that
9 Defendants will file their motion(s) pursuant to Federal Rule of Civil Procedure 12(b)(6) on or
10 before July 30, 2010.

11 *****

12 **NOW THEREFORE**, the parties, by and through their undersigned counsel of record, in
13 the interests of judicial economy, hereby agree and stipulate, and the Court hereby orders, that:

- 14 1. Defendants shall file motion(s) pursuant to Federal Rule of Civil Procedure 12(b)(6)
15 by July 30, 2010.

16
17 Dated: July 12, 2010

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22
23 By: /s/ Dominique-Chantale Alepin
Dominique-Chantale Alepin

24 *Attorneys for Nominal Defendant Akeena*
25 *Solar, Inc., and Individual Defendants Barry*
26 *Cinnamon, and Gary Effren*

1 Dated: July 12, 2010

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11 By: /s/ George C. Aguilar
12 George C. Aguilar

13 *Attorneys for Plaintiff Evelyn Sabbag*

14 **ORDER**

15 PURSUANT TO STIPULATION, IT IS SO ORDERED.

16 Dated: 7/15/2010

17 
18 United States District Judge

ECF CERTIFICATION

I, Dominique-Chantale Alepin, am the ECF User whose ID and password are being used to file this Stipulation and [Proposed] Order Extending Deadline to Respond to Complaint. In compliance with General Order 45, X.B., I hereby attest that George C. Aguilar, counsel for Plaintiff, has concurred in this filing.

DATED: July 12, 2010

WILSON SONSINI GOODRICH & ROSATI
Professional Corporation

By: /s/ Dominique-Chantale Alepin
Dominique-Chantale Alepin

*Attorneys for Nominal Defendant Akeena Solar,
Inc., and Individual Defendants Barry Cinnamon,
and Gary Effren*